

### **REMARKS**

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 37-46 are pending in the subject application.

Claims 1-36 were previously canceled.

Claims 37-46 stand rejected under 35 U.S.C. §101, 35 U.S.C. §102 and/or 35 U.S.C. §103.

Claims 37, 38, 41, 42, and 44 are amended in the foregoing amendment. Also, claims 43 and 46 were canceled in the foregoing amendment without prejudice or disclaimer.

Claim 37 was amended so as to include the limitations of claim 43 and claim 43 was canceled without prejudice or disclaimer. Claim 37 also was amended to address the non-prior art concerns in the Office Action.

Claim 38 was amended so as to include the limitations of claim 46 and claim 46 was canceled without prejudice or disclaimer. Claim 38 also was amended to address the non-prior art concerns and the §101 concerns in the Office Action.

Claims 41 and 42 were amended giving consideration to the §112 concerns in the Office Action and claim 41 also was amended giving consideration to the §101 concerns in the Office Action. Claim 44 was amended to be consistent with the amendments to claim 37.

Claim 47 was added to more distinctly claim embodiments and aspects of the present invention.

The amendments to the claims are supported by the originally filed disclosure.

### 35 U.S.C. §112 REJECTIONS

Claims 37-38 and 41-42 stand rejected under U.S.C. §112, second paragraph for the reasons provided on pages 5-6 of the above referenced Office Action.

As indicated herein, claims 37-38 were amended as suggested by the Examiner.

As to claims 41-42, Applicants would note that claim 37 includes the following clause “wherein the processing unit instructs the installation processing unit to install based on an *installation instruction* from the content that is reproduced or executed by the processing unit,; which clause describes the installation instruction. Therefore, Applicants believe that the foregoing addresses the rejection as to claims 41-42.

Thus, Applicants believe that the grounds for rejection have been addressed.

It is respectfully submitted that for the foregoing reasons, claims 37-38 and 41-42 satisfy the requirements of 35 U.S.C. §101. Therefore, these claims are allowable.

### 35 U.S.C. §101 REJECTIONS

Claims 38, 41 and 46 stand rejected under 35 U.S.C. §101 for the reasons provided on pages 3-4 of the above referenced Office Action. Applicants respectfully traverse as discussed below. As indicated above, claim 46 was canceled without prejudice and thus is not addressed further herein.

As indicated above, claims 38 and 41 were amended giving consideration to the concerns raised by the Examiner.

As to the computer readable storage medium concern, Applicants would direct the Examiner’s attention to pages 28 and 28 of the subject application. On page 28 of the subject application, it is provided that “AV data or application programs/data group meaningfully are defined as content. On page 29 of the subject application, it is provided that the recording medium may be a recording medium such as an internal or external hard disk apparatus, and a recordable optical disk or memory card. The storage mediums specifically described in the

subject application correspond to what is termed non-transitory and is not a transitory medium propagating signal(s).

Thus, Applicants believe that the grounds for rejection have been addressed.

It is respectfully submitted that for the foregoing reasons, claims 38 and 41 satisfy the requirements of 35 U.S.C. §101. Therefore, these claims are allowable.

### 35 U.S.C. §102 REJECTIONS

The Examiner rejected claims 37-38 and 41-42 under 35 U.S.C. §102(b) as being anticipated by Uchikoga [US Pub. No. US 2001/0005447]. Applicants respectfully traverse as discussed below.

Without agreeing with the rejection, Applicants note that claims 37 and 38 were amended so as to include the limitations of claim 43. Thus, the rejection under §102(b) no longer applies to claim 37. As claim 38 was amended in a similar fashion, Applicants also believe that the rejection under §102(b) no longer applies to claim 38.

In view of such amendments, Applicants also this believe that the rejections under §102(b) also no longer apply to claims 41 and 42.

It is respectfully submitted that for the foregoing reasons, claims 37-38 and 41-42 are patentable over the cited reference and thus satisfy the requirements of 35 U.S.C. 102(b). Therefore, these claims are allowable.

### 35 U.S.C. §103 REJECTIONS

The Examiner rejected claims 43-46 under 35 U.S.C. §103 as being unpatentable over Uchikoga [US Pub. No. US 2001/0005447] in view of Cheng [USP 7,096,491]. Applicants respectfully traverse as discussed below. While certain of these claims were canceled in the foregoing amendment, in view of the addition of the limitations of claim 43 to claim 37, Applicants have addressed the within rejection as to the above-identified claims below.

As previously indicated by Applicants, there are applications of many different types and sources being created and are capable of being loaded or disseminated to a wide variety of devices (telephones, DVD recorders, hybrid DVD recorders and computers. Thus, there is an increasing risk that the *application or content being downloaded* is an unauthorized copy or an increasing risk of corruption, alteration or unauthorized copying to data and/or applications that are found on the device or on other devices that can be communicatively coupled to the device.

Uchikoga is directed to controlling access to the content to be played back so that there is no copying of an altered or unauthorized copy of content to the device. In other words, Uchikoga is concerned with preventing copying of an unauthorized copy or an altered copy of content to be played back. Uchikoga does not describe a configuration that is capable of executing contents of an external recording medium and a recording unit in a common processing unit.

Uchikoga does describe various processes so that an unauthorized user cannot gain access to the copied content (*e.g.*, blocks access to any adult content) or so that expired content cannot be accessed by an authorized user (*e.g.*, a temporal limit on the ability to access the content, like a rental). However, Uchikoga does not anywhere describe a process or methodology where the content being executed is controlled by a processing unit so as to thereby limit if not block the content's ability to access other local resources. The paragraphs describing the blocking of access in Uchikoga are as indicated above, describing methods and processes for limiting one's access to copy content or to playing back content under certain circumstances (*e.g.*, expired access).

As also previously indicated by Applicants, in paragraph [0114] of Uchikoga, there is described a process for preventing playback or execution of the content which has already been reproduced. In this regard, reference should be made to paragraph [0042] which defines what is meant by playback. As also described in paragraph [0082], playback can be inhibited by attaching temporal information to a loaded program or a key code in authentication processing. By establishing appropriate checks in the process when using the playback mode switching unit or the extended navigator holding unit, the temporal information or key can be used by the

information playback apparatus 1 or to inhibit playback. Similarly, Uchikoga describes in connection with the execution of Processes A-D, that these processes also can be used to inhibit playback. As to the keycode discussion, Uchikoga describes a process for inhibiting playback of stream data that has already been downloaded.

In sum, and as admitted by the Examiner Uchikoga does not describe the limitations added in each of claims 43-46 but that these limitations are known in the art in view of the teachings of Cheng. Applicants respectfully disagree.

Cheng describes a mobile security architecture for use in an Application Service Provider (ASP) environment. In an ASP environment, the service provider provides authorized access to applications stored on the ASP server to a user on another computer. In this ASP environment, the ASP server needs access to information or data contained on the user's computer to run or perform the application running on the ASP server.

As described in Cheng as part of the process for obtaining authorization to use the desired application, the user is prompted with questions or queries that are directed to obtaining the user's permission to obtain information or data from the user's computer when the application is to be run. While such measures are described as providing security to limit the access of the ASP application to resources on the user's computer, there is no application or data being described in Cheng as being downloaded to the user's computer for running on the user's computer. In addition, there is nothing described in Cheng as to security of the ASP server when such information is downloaded from the user's computer to the ASP server.

As set forth in the claims and as described in the subject application, content is recorded in a certain area of the recording unit. As described in the subject application, the certain area is to localize the content and the management information so it is different from other applications or content that have greater access to resources.

In Cheng, content is not downloaded to the user's computer, whereas the access control's described in Cheng are provided to protect the user's computer when the ASP application is attempting to access information or the like of the user's computer.

Moreover, the apparatus and methodology of the present invention is directed to the automatic creation of such access constraints during the installation process, when content is being downloaded to the recording unit. This is not described anywhere in Cheng.

In sum, the teachings of Cheng are directed to dealing with a different problem than the present invention, and dealing with this problem in a different way from that of the subject application. Therefore, the combination of Uchikoga and Cheng does not yield an apparatus or methodology as set forth in the claims of the present invention.

It is respectfully submitted that for the foregoing reasons, the claims are patentable over the cited combination of references and thus satisfy the requirements of 35 U.S.C. 103. Therefore, these claims are allowable.

#### CLAIM 47

As indicated above, claim 47 was added to more distinctly claim embodiments of the present invention. This claim is clearly supported by the originally filed disclosure, including the originally filed claims. It also is respectfully submitted that the added claims is patentable over the cited prior art on which the above-described rejection(s) are based.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Although claims were added to the subject application, Applicants believe that additional fees are not required. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

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hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65213(71117).

Respectfully submitted,  
Edwards Angell Palmer & Dodge, LLP

/ William J. Daley, Jr. /

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By: \_\_\_\_\_

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